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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/575,368	09/21/2006	Thomas Friedlaender	30071/41842	9060

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EXAMINER

TISCHLER, FRANCES

ART UNIT	PAPER NUMBER
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1796

MAIL DATE	DELIVERY MODE
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05/18/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/575,368	Applicant(s) FRIEDLAENDER ET AL.	
	Examiner FRANCES TISCHLER	Art Unit 1796	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 and 21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 and 21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This office action is in response to the amendment filed 3/22/10. Claims 18 – 20 are withdrawn. Claims 1 – 17 and 21 are now pending.

All outstanding objections and rejections, except for those maintained below, are withdrawn in light of applicant's amendment filed on 3/22/10.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

Claim 1 – 17 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Fine et al (US 5,688,693).

The rejection is adequately set forth in the office action dated 12/24/09 and is incorporated herein by reference.

Claim Rejections - 35 USC § 103

Claims 1 – 17 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krieg et al (IS 6,509,537) in view of Fine et al (US 5,688,693).

The rejection is adequately set forth in the office action dated 12/24/09 and is incorporated herein by reference.

Response to Arguments

Applicant's arguments filed 3/22/10 have been fully considered but they are not persuasive.

Applicant submits that Fine does not disclose determining process parameters as a function of the degree of contamination found in an analyzing step and conducting controlled decontamination according to said parameters; that Fine simply rejects and separates cleaner flakes; that Fine's process is always performed the same way regardless of the degree of soiling; that Fine does not change the process when detecting harmful materials.

Applicant's arguments are not convincing: instant claim 1 very broadly claims a method for reprocessing plastic by analyzing the degree of contamination and decontaminating the plastic with a process based on this analysis. Similarly, Fine discloses a method for reprocessing plastic by analyzing the degree of contamination several times, wherein each time the degree of soiling is different and the decontamination process performed is different. Specifically, shredding the waste is a decontamination process performed due to analysis that decides that it should be shredded; separating gross contaminants from said step is a decontamination process that leaves the plastic in a cleaner state and said decontamination process is a result of analyzing the content and deciding that it needs to be separated; employing sniffing apparatus and optical scanners to sort materials are analyzing tools, their separation being a decontamination process wherein the different materials become even purer; washing the separated materials is a decontamination process wherein the decision to

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wash them is an analyzing step; testing the resulting material for vapors after washing is another analyzing step and removal of said vapors through a pump is a decontamination step based on said analysis; the use of elevated temperatures is a decontamination step based on analysis of the appropriate temperature to be used; the rate at which the waste moves on a conveyor is the result of an analysis step that determines said rate and the rate of movement contributes to the decontamination process since the rate/time affects how much of the waste is reached. In summary, Fine's process, as well as any process that intends to reuse plastic waste, or any type of waste, analyzes said waste (visually or mechanically or spectroscopically, etc.) in order to decide the nature of the waste. Fine's process, as well as any other process that intends to reuse plastic waste, or any type of waste, decontaminates said waste in order to be able to reuse it (through separation of impurities or washing or drying or melting or filtering, etc.).

Applicant claims that Krieg does not modify the teaching of Fine to arrive at the present claims.

Applicant's argument is not convincing. Fine alone reads on Applicant's claims. Further, Krieg in view of Fine, not Fine in view of Krieg, reads on Applicant's claims.

Applicant submits that Krieg only analyzes and separates the waste into different portions which are then transported to another production process or to a disposal system, but does not teach to determine the decontamination process parameters as a

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function of the degree of contamination found in the analyzing step and conducting controlled decontamination according to said process parameters.

Applicant's argument is not convincing: the act of separating contaminants from plastic waste is a decontamination process since it leaves the remaining plastic purer. The sorting of various plastics is a decontamination process since each type of plastic is now purer by virtue of being separated from other plastics. Krieg's use of laser beams, programmed logic, calibration vectors and reference data read on Applicants' analysis. Said analysis determines the separation of the various components of the waste. Therefore, the separation/decontamination is performed according to the analysis step which determined the decontamination process parameter of separating the various components of the waste. Krieg's disclosure of transporting the samples to production processes may also read on a decontamination step but it is further disclosed in view of Fine who also analyzes and separates waste plastics and specifically teaches decontamination by heating, washing, timing, etc. One of ordinary skill in the art would have known to take Krieg's separated plastics that are being transported to production processes and decontaminate them in said production processes in the manner taught by Fine.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRANCES TISCHLER whose telephone number is (571)270-5458. The examiner can normally be reached on Monday-Friday 7:30AM - 5:00 PM; off every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jim Seidleck can be reached on 571-272-1078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ling-Siu Choi/
Primary Examiner, Art Unit 1796

Frances Tischler
Examiner
Art Unit 1796

/FT/